

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FRIENDS OF GEORGE’S, INC.)

PLAINTIFF,)

v.)

Case No. 2:23-cv-02163-TLP-tmp

STEVEN J. MULROY, in his official and)
individual capacity as District Attorney)
General of Shelby County, TN,)

DEFENDANT.)

**DECLARATION OF KATIE L. VIGGIANI IN SUPPORT OF PLAINTIFF’S
APPLICATION FOR AN AWARD OF ATTORNEYS’ FEES AND
REIMBURSEMENT OF EXPENSES**

STATE OF TENNESSEE
COUNTY OF SHELBY

I, Katie L. Viggiani, hereby declare as follows:

1. I am a member of the bar of the state of New York and a partner in the law firm Morrison & Foerster LLP, co-counsel with Donati Law, PLLC on behalf of Plaintiff in the above captioned matter. I have personal knowledge of the matters set forth below and, if called upon to do so, I could and would testify competently about them.

2. Brice M. Timmons, Craig A. Edgington, and Melissa Stewart, attorneys at Donati, and Jacob Brown and Sara McKinney, attorneys at Apperson Crump, PLC, were lead trial counsel in this litigation. As co-counsel with Donati, my colleagues and I provided litigation support for this matter, including researching constitutional issues and claims, drafting submissions to the court, and developing a strategy for motion practice and trial.

3. I have been licensed to practice law since 2010 and am an active member of the American Bar Association and the New York Bar Association. I have been an attorney at Morrison & Foerster since 2009 and a partner in the litigation department since 2022. My practice focuses on litigation, including complex civil litigation and class action defense. I also maintain an active pro bono docket, primarily in the field of civil rights litigation and indigent defense.

4. Morrison & Foerster is a San Francisco-based, international, AmLaw 50 law firm with a highly-ranked litigation practice. In U.S. News & World Report's 2023 "Best Law Firms" rankings, Morrison & Foerster ranked in the Top Tier nationwide in various litigation practice areas.

5. I was personally involved with staffing Rachel Dolphin, Victor Lopez, and Shelby Teeter—all of whom are litigation attorneys at Morrison & Foerster—on this matter. I allocated tasks and assignments to them, collaborated with them on projects, supervised their work on this case, and reviewed their work product. I also collaborated with my partner, Joseph Palmore, regarding specific constitutional and appellate issues on which he has particular expertise.

6. I supervised the creation of the contemporaneous billing records as to the Morrison & Foerster attorneys on this matter, and I confirm that the figures listed in the Table on Page 2 of the Motion for Attorney Fees and Suit Expenses are correct as to the Morrison & Foerster attorneys listed. I further certify that the hourly rates listed on the attached billing statements are consistent with forum rates for the District of Columbia and the Southern District of New York and are consistent with the actual hourly rates charged by all of the Morrison & Foerster attorneys on this matter.

7. The hours listed in Morrison & Foerster's bills were contemporaneously billed, and reasonable and necessary to the work performed in proving the Adult Entertainment Act is unconstitutional.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of June, 2023 at New York, New York

/s/ Katie L. Viggiani
Katie L. Viggiani

June 21, 2023

MORRISON & FOERSTER LLP

BILLING ADDRESS:

Billing Attorney: KATIE L. VIGGIANI
Responsible Attorney: VICTOR LOPEZ
Client/Matter #: 029728-0000001
Client Name: FRIENDS OF GEORGE'S INC (P)
Matter Name: CONSTITUTIONAL CHALLENGE
Bill #: 4164247
Time & Disbursements Thru: May 24, 2023

OTHER CLIENT REFERENCE INFORMATION

This bill:	Gross	2nd Currency: On Account	Net	
	USD	USD	USD	
Fees:	79,026.25	0.00	79,026.25	0.00
Disb:	3,924.60	0.00	3,924.60	
Total:	82,950.85	0.00	82,950.85	

CONSTITUTIONAL CHALLENGE

ADMINISTRATIVE INFORMATION

Special Billing Arrangements: --Inventory Code: Monthly
Matter Rate Code: 1

FRIENDS OF GEORGE'S INC (P)

Billing Attorney: KATIE L. VIGGIANI

Client/Matter #: 029728-0000001 CONSTITUTIONAL CHALLENGE

Professional Services to May 24, 2023

Date	Services	Timekeeper	Tkpr No	Index	Process Mth/Yr	Worked Hours	Fee Amount
05/01/2023	Research and summarize case law regarding standing.	Dolphin, Rachel S.	████	69580745	0523	2.00	2,270.00
05/01/2023	Review case materials and confer with K. Viggiani on opposition to motion to dismiss.	Palmore, Joseph R.	████	69582158	0523	1.00	1,650.00
05/01/2023	Begin researching organizational standing issues.	Teeter, Shelby	████	69587476	0523	1.50	1,215.00
05/01/2023	Confer with J. Palmore on opposition to motion to dismiss; begin researching potential arguments for opposition to motion to dismiss.	Viggiani, Katie L.	████	69598617	0523	2.75	3,300.00
05/02/2023	Research caselaw for Friends of George's briefing and correspond regarding same.	Dolphin, Rachel S.	████	69865587	0523	0.50	567.50
05/02/2023	Continue researching organizational standing issues.	Teeter, Shelby	████	69714467	0523	2.75	2,227.50
05/02/2023	Further review and analyze state's motion to dismiss complaint; continue researching responses to standing arguments in motion to dismiss.	Viggiani, Katie L.	████	69748182	0523	3.00	3,600.00
05/03/2023	Coordinate with R. Dolphin regarding additional research for purposes of responding to motion to dismiss.	Lopez, Victor	████	69599031	0523	7.00	6,510.00
05/03/2023	Review research assignment from M. Stewart and coordinate with V. Lopez on next steps.	Teeter, Shelby	████	69587765	0523	0.25	202.50
05/03/2023	Research and coordinate fact witness connection.	Teeter, Shelby	████	69714434	0523	1.00	810.00
05/03/2023	Further review and analyze state's motion to dismiss complaint; continue researching responses to standing arguments in motion to dismiss.	Viggiani, Katie L.	████	69626544	0523	3.75	4,500.00
05/04/2023	Research caselaw for opposition to motion to dismiss and trial brief reply.	Dolphin, Rachel S.	████	69640533	0523	2.75	3,121.25

FRIENDS OF GEORGE'S INC (P)
 Client/Matter #: 029728-0000001 CONSTITUTIONAL CHALLENGE

Billing Attorney: KATIE L. VIGGIANI

Date	Services	Timekeeper	Tkpr No	Index	Process Mth/Yr	Worked Hours	Fee Amount
05/04/2023	Begin researching First Amendment law concerning facial challenges; begin analyzing and distinguishing cases cited in defendant's brief.	Lopez, Victor	████	69603358	0523	8.00	7,440.00
05/04/2023	Follow up on witness leads per M. Stewart request.	Teeter, Shelby	████	69640546	0523	1.25	1,012.50
05/04/2023	Further review and analyze state's motion to dismiss complaint; analyze additional research regarding responses to standing arguments in motion to dismiss.	Viggiani, Katie L.	████	69640644	0523	2.75	3,300.00
05/05/2023	Research cases for trial brief and revise draft of same.	Dolphin, Rachel S.	████	69645177	0523	2.00	2,270.00
05/05/2023	Finalize distinguishing cases cited in defendant's brief; review and analyze moving briefs.	Lopez, Victor	████	69621674	0523	5.00	4,650.00
05/05/2023	Confer with M. Stewart to discuss close of discovery strategy.	Teeter, Shelby	████	69650261	0523	0.50	405.00
05/05/2023	Revise response to motion to dismiss.	Teeter, Shelby	████	69650263	0523	3.25	2,632.50
05/05/2023	Further revise draft opposition to motion to dismiss and trial brief reply.	Viggiani, Katie L.	████	69648068	0523	1.75	2,100.00
05/09/2023	Analyze deposition testimony and briefs to prepare for upcoming hearing.	Viggiani, Katie L.	████	69672965	0523	1.75	2,100.00
05/12/2023	Discuss pre-hearing conference details with M. Stewart.	Teeter, Shelby	████	69699076	0523	0.50	405.00
05/16/2023	Confer with M. Stewart regarding trial preparation; coordinate with MoFo team regarding the same.	Teeter, Shelby	████	69714470	0523	0.50	405.00
05/17/2023	Confer with S. Stewart to discuss trial preparations.	Lopez, Victor	████	69726989	0523	0.50	465.00
05/17/2023	Confer with K. Viggiani, V. Lopez, and M. Stewart to discuss trial preparation strategy.	Teeter, Shelby	████	69723950	0523	0.50	405.00
05/17/2023	Confer with M. Stewart, S. Teeter, and V. Lopez regarding strategy and trial tasks; begin drafting demonstratives	Viggiani, Katie L.	████	69748155	0523	3.50	4,200.00

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Client/Matter #: 029728-0000001 CONSTITUTIONAL CHALLENGE

Billing Attorney: KATIE L. VIGGIANI

Date	Services	Timekeeper	Tkpr No	Index	Process Mth/Yr	Worked Hours	Fee Amount
	for trial; begin analyzing updated research regarding secondary effects doctrine.						
05/18/2023	Research, analyze, and differentiate case law cited in defendant's brief; revise demonstrative exhibits for trial.	Lopez, Victor	████	69736577	0523	7.25	6,742.50
05/18/2023	Research and draft direct examination outline for fact witness.	Teeter, Shelby	████	69762262	0523	3.00	2,430.00
05/19/2023	Confer with K. Viggiani regarding case strategy and review correspondence regarding trial plans.	Dolphin, Rachel S.	████	69779898	0523	0.50	567.50
05/19/2023	Review public indecency statute; meet with K. Viggiani to discuss strategy.	Lopez, Victor	████	69758084	0523	1.75	1,627.50
05/19/2023	Attend video conference to prepare fact witness.	Teeter, Shelby	████	69762349	0523	1.00	810.00
05/20/2023	Revise fact witness direct examination outline.	Teeter, Shelby	████	69762423	0523	1.75	1,417.50
05/21/2023	Prepare fact witness for trial.	Teeter, Shelby	████	69742834	0523	0.50	405.00
05/21/2023	Confer with M. Stewart on legal arguments and revise demonstratives accordingly.	Teeter, Shelby	████	69742835	0523	2.50	2,025.00
05/24/2023	Confer with co-counsel regarding post-hearing strategy.	Palmore, Joseph R.	████	69789233	0523	0.75	1,237.50
TOTAL FEES						79.00	79,026.25

Time Summary								
No	Name	Title	Hours	Standard Rate	Standard Value	Adjusted Rate	Adjusted Value	Percentage Adjusted
████	Palmore, Joseph R.	Partner	1.75	1650.00	2,887.50	1650.00	2,887.50	0.00%
████	Viggiani, Katie L.	Partner	19.25	1200.00	23,100.00	1200.00	23,100.00	0.00%
████	Dolphin, Rachel S.	Associate	7.75	1135.00	8,796.25	1135.00	8,796.25	0.00%
████	Lopez, Victor	Associate	29.50	930.00	27,435.00	930.00	27,435.00	0.00%
████	Teeter, Shelby	Associate	20.75	810.00	16,807.50	810.00	16,807.50	0.00%
TOTAL			79.00		79,026.25		79,026.25	
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MORRISON & FOERSTER LLP

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Billing Attorney: KATIE L. VIGGIANI
Responsible Attorney: VICTOR LOPEZ
Client/Matter #: 029728-0000001
Client Name: FRIENDS OF GEORGE'S INC (P)
Matter Name: CONSTITUTIONAL CHALLENGE
Bill #: 4164247

Time & Disbursements Thru: April 30, 2023

OTHER CLIENT REFERENCE INFORMATION

This bill:	Gross	2nd Currency: On Account	Net	
	USD	USD	USD	
Fees:	29,976.25	0.00	29,976.25	0.00
Disb:	2,732.80	0.00	2,732.80	
Total:	32,709.05	0.00	32,709.05	

CONSTITUTIONAL CHALLENGE

ADMINISTRATIVE INFORMATION

Special Billing Arrangements: --Inventory Code: Monthly
Matter Rate Code: 1

FRIENDS OF GEORGE'S INC (P)

Billing Attorney: KATIE L. VIGGIANI

Client/Matter #: 029728-0000001 CONSTITUTIONAL CHALLENGE

Professional Services to April 30, 2023

Date	Services	Timekeeper	Tkpr No	Index	Process Mth/Yr	Worked Hours	Fee Amount
04/18/2023	Review TRO briefing; meet with local counsel to discuss the matter.	Lopez, Victor	████	69568170	0423	5.00	4,650.00
04/25/2023	Review filings and order on TRO.	Dolphin, Rachel S.	████	69568417	0423	1.25	1,418.75
04/25/2023	Continue reviewing TRO briefs and related transcripts.	Lopez, Victor	████	69568171	0423	3.50	3,255.00
04/25/2023	Confer with V. Lopez, S. Teeter, and R. Dolphin regarding case background and initial research.	Viggiani, Katie L.	████	69533756	0423	0.50	600.00
04/26/2023	Finalize reviewing TRO materials and transcripts.	Lopez, Victor	████	69568227	0423	4.25	3,952.50
04/26/2023	Analyze complaint and plaintiff's trial brief.	Viggiani, Katie L.	████	69553890	0423	1.50	1,800.00
04/27/2023	Confer with co-counsel and internal team regarding research.	Dolphin, Rachel S.	████	69548034	0423	0.50	567.50
04/27/2023	Confer with M. Stewart, K. Viggiani, and R. Dolphin regarding strategy.	Teeter, Shelby	████	69516834	0423	0.50	405.00
04/27/2023	Confer with M. Stewart, R. Dolphin, and S. Teeter regarding strategy and research tasks; begin analyzing TRO hearing transcript and researching standing issues.	Viggiani, Katie L.	████	69553892	0423	3.00	3,600.00
04/28/2023	Analyze transcript from TRO hearing; review and analyze state's motion to dismiss complaint; begin researching responses to standing arguments in motion to dismiss.	Viggiani, Katie L.	████	69553891	0423	5.50	6,600.00
04/29/2023	Confer with K. Viggiani regarding opposition to motion to dismiss.	Palmore, Joseph R.	████	69543034	0423	0.25	412.50
04/30/2023	Research case law regarding standing.	Dolphin, Rachel S.	████	69568418	0423	1.50	1,702.50
04/30/2023	Analyze Defendant's opening brief and table of authorities. Research case law.	Teeter, Shelby	████	69543772	0423	1.25	1,012.50

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Client/Matter #: 029728-0000001 CONSTITUTIONAL CHALLENGE

Date	Services	Timekeeper	Tkpr No	Index	Process Mth/Yr	Worked Hours	Fee Amount

TOTAL FEES						28.50	29,976.25

Time Summary

No	Name	Title	Hours	Standard Rate	Standard Value	Adjusted Rate	Adjusted Value	Percentage Adjusted

████	Palmore, Joseph R.	Partner	0.25	1650.00	412.50	1650.00	412.50	0.00%
████	Viggiani, Katie L.	Partner	10.50	1200.00	12,600.00	1200.00	12,600.00	0.00%
████	Dolphin, Rachel S.	Associate	3.25	1135.00	3,688.75	1135.00	3,688.75	0.00%
████	Lopez, Victor	Associate	12.75	930.00	11,857.50	930.00	11,857.50	0.00%
████	Teeter, Shelby	Associate	1.75	810.00	1,417.50	810.00	1,417.50	0.00%
TOTAL			28.50		29,976.25		29,976.25	
			=====		=====		=====	